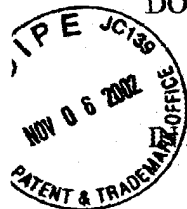


DOCKET NUMBER: 205057US0SRD



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF : Minako HIJIKATA, et al.

SERIAL NUMBER: 09/813,990

: GROUP: 1634

FILED: March 22, 2001

: EXAMINER: A. K. CHAKRABARTI

FOR: GENETIC POLYMORPHISM OF MXA PROTEIN AND USE THEREOF

LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith is a European Search Report for the Examiner's consideration. The references cited therein have been filed in the U.S. Patent and Trademark Office on March 22, 2001 and October 21, 2002.

Respectfully submitted,

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NO. 6362 P. 3/9



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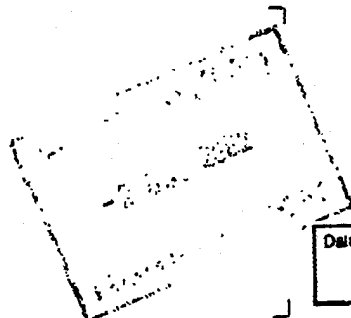
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02.10.02

Zeichen/Ref./Ref.

EPP83717

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°  
01302708.1-1222-

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire  
KABUSHIKI KAISHA TOSHIBA

## COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

- ☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☐ abstract

☐ title

- ☒ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract NONE

## REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





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Office

### PARTIAL EUROPEAN SEARCH REPORT

Application Number

which under Rule 45 of the European Patent Convention EP 01 30 2708  
shall be considered, for the purposes of subsequent  
proceedings, as the European search report

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (In.CI.7)
X	RONNI ET AL.: "The proximal interferon-stimulated response elements are essential for interferon responsiveness: a promoter analysis of the antiviral MxA gene" JOURNAL OF INTERFERON AND CYTOKINE RESEARCH, vol. 18, no. 9, 1998, pages 773-781, XP002212566 * figures 1,3,5 *	1,5, 11-13, 15-17	C12Q1/68 C12Q1/70 A61K48/00 A01K67/027 C12N15/63 C07K14/47
X	CHANG ET AL.: "Molecular and functional analysis of the virus and interferon-inducible human MxA promoter" ARCH VIROL, vol. 117, 1991, pages 1-15, XP002212567 * figures 2A,,4 *	2,5, 11-13, 15-17	
			TECHNICAL FIELDS SEARCHED (In.CI.7)
INCOMPLETE SEARCH			
The Search Division considers that the present application, or one or more of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for these claims.			
Claims searched completely:			
Claims searched incompletely:			
Claims not searched:			
Reason for the limitation of the search: see sheet C			
Place of search THE HAGUE		Date of completion of the search 18 September 2002	Examiner Bort, S
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons A : member of the same patent family, corresponding document	

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# PARTIAL EUROPEAN SEARCH REPORT

Application Number  
EP 01 30 2708

DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
X	DATABASE EMBL 'Online! Homo sapiens (subclone H8 4_b9 from P135 H5 C8) , 7 September 1994 (1994-09-07) MARTIN ET AL.: "Sequencing of the Mx1 region of the human chromosome 21" Database accession no. L35661 XP002212569 * abstract *	2,5,11, 12,17	
X	DATABASE EMBL 'Online! Homo sapiens chromosome 21, P1 clone LBL#8, 4 September 1998 (1998-09-04) KIMMERLY ET AL.: "Sequencing of human chromosome 21" Database accession no. AC005612 XP002212570 * abstract *	2,5,11, 12,17	
X	DATABASE EMBL 'Online! M. musculus mRNA for 3'-5' exonuclease, 17 March 1997 (1997-03-17) BASHKIROV ET AL.: Database accession no. X91617 XP002212571 * abstract *	3,11,12, 17	TECHNICAL FIELDS SEARCHED (Int.Cl.7)
X	DATABASE EMBL 'Online! 4 July 1999 (1999-07-04) IWASHITA ET AL.: "5'-flanking region of R-ras GTPase activating protein" Database accession no. AB021982 XP002212572 * abstract *	4,11,12, 17	
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NO. 6362 P. 6/9



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# PARTIAL EUROPEAN SEARCH REPORT

Application Number  
EP 01 30 2708

DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
A	KIKUCHI ET AL.: "The effect of HLA alleles on response to interferon therapy in patients with chronic hepatitis C" EUROPEAN JOURNAL OF GASTROENTEROLOGY AND HEPATOLOGY, vol. 10, no. 101, October 1998 (1998-10), pages 859-863, XP002212568 * abstract *	6-10, 14	
A	WO 94 02606 A (US HEALTH) 3 February 1994 (1994-02-03) * claim 28 *	6-10, 14	
A	WO 95 28492 A (LIGAND PHARM INC) 26 October 1995 (1995-10-26) * page 14, line 1-20 *	6-10, 14	TECHNICAL FIELDS SEARCHED (Int.Cl.7)
A	WO 90 14593 A (UNIV TEXAS) 29 November 1990 (1990-11-29) * claim 24 *	6-10, 14	
T	HIJIKATA ET AL.: "Identification of a single nucleotide polymorphism in the MxA gene promoter (G/T at nt -88) correlated with the response of hepatitis C patients to interferon" INTERVIROLOGY, vol. 43, April 2000 (2000-04), pages 124-127, XP002212856 * abstract *	1-17	

filed  
10-21-02

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EP0 FORM 1503 (3.02) (P4/C10)

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NO. 6362 P. 7/9



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INCOMPLETE SEARCH  
SHEET C

Application Number  
EP 01 30 2708

Although claim 14 is directed to a method of treatment of the human/animal body (Article 52(4) EPC), the search has been carried out and based on the alleged effects of the polynucleotide(s).

Claim(s) searched completely:  
1-13, 15-17

Claim(s) searched incompletely:  
14

Reason for the limitation of the search (non-patentable invention(s)):

Article 52 (4) EPC - Method for diagnostic/treatment of the human or animal body

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**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 01 30 2708

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

18-09-2002

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 9402606	A	03-02-1994	AU	4778193 A	14-02-1994
			WO	9402606 A1	03-02-1994
WO 9528492	A	26-10-1995	US	5707803 A	13-01-1998
			AU	681025 B2	14-08-1997
			AU	2287695 A	10-11-1995
			CA	2182561 A1	26-10-1995
			EP	0755453 A1	29-01-1997
			JP	9511908 T	02-12-1997
			WO	9528492 A1	26-10-1995
			AU	2285995 A	10-11-1995
			AU	9713798 A	11-02-1999
			CA	2165057 A1	26-10-1995
			EP	0722497 A1	24-07-1996
			JP	9500026 T	07-01-1997
			WO	9528482 A2	26-10-1995
WO 9014593	A	29-11-1990	AU	5350190 A	18-12-1990
			WO	9014593 A1	29-11-1990

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For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

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ABSTRACT / ZUSAMMENFASSUNG / ABREGE

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The present invention provides polynucleotides comprising SEQ ID Nos. 1 to 4. These polynucleotides have a polymorphism which can be used for the prediction of validity of interferon therapy individuals infected with the hepatitis C virus. The present invention also provides vectors and methods using these polymorphic polynucleotides for gene therapy and for the generation of non-human transgenic animals.